

Wyoming Statewide Transition Plan - Systemic Assessment

#	Federal Regulation	Current, future, waiver app, etc	Current State Standard of Relevance	Compliance Status (Complies, Silent, Conflicting with Regulation)	State's Current Language or Proposed Language (If compliance status is silent)	Remediation	Timeline
1	Setting is integrated in, and supports full access of, individual receiving Medicaid HCBS to the greater community to the same degree of access as individuals not receiving Medicaid HCBS.	Future rule, update in progress	Chapter 45, Section 13, b, i	Silent	(b) All certified waiver providers shall provide services that are home and community-based in nature, which means the service setting: (i) Assists the participant to achieve success in the setting environment and supports full access to the greater community to the same degree as individuals not receiving Medicaid HCBS. Will be found at: http://soswy.state.wy.us/rules/ .	Update state rule; finish rule promulgation process	January 1, 2017
		Policy and Procedure Manual, in development	BHD-PVS-0338-Integrated Setting Policy	Silent	Purpose: The purpose of this policy and procedure is to clearly define the components of a community integrated setting and provide a procedure for Division staff to follow when assessing settings for these components. Policy: It is the policy of the Behavioral Health Division (BHD) is that all Home and Community Based waiver providers implement the provision of services in settings that are community based and facilitate opportunities for participants to access community opportunities and resources to the same degree as people who do not have a disability. Procedure: To be developed within the scope of the template located below. Will be located here: https://health.wyo.gov/behavioralhealth/dd/policy-site/	Update policy and procedure, develop manual	April 1, 2017
		Policy and Procedure Manual, in development	Community Choices Waiver Policy	Silent	Policy language will be developed within scope of template language provided at the end of the table. The current policy may be found at https://health.wyo.gov/healthcarefin/medicaid/homecareservices	Update policy manual	April 1, 2017
2	The setting includes opportunities to seek employment and work in competitive integrated settings to the same degree of access as individuals not receiving Medicaid HCBS.	Current rule	Chapter 45, Section 23, c, i-iv (for CARF) and Chapter 45, Section 24, xx, A-D (for non-CARF)	Complies	(c) In addition to obtaining and maintaining CARF accreditation, providers certified to provide employment services, including prevocational services and supported employment services, shall assure that: (i) Participants are involved in making informed employment related decisions. (ii) Participants are linked to services and community resources that enable them to achieve their employment objectives. (iii) Participants are given information on local job opportunities, and (iv) Participants' satisfaction with employment services is assessed on a regular basis. [Non-CARF text is duplicative]. Can be accessed at: http://soswy.state.wy.us/Rules/RULES/6436.pdf	None needed	--
		Policy and Procedure Manual, in development	BHD-PVS-0338-Integrated Setting Policy	Silent	Purpose: The purpose of this policy and procedure is to clearly define the components of a community integrated setting and provide a procedure for Division staff to follow when assessing settings for these components. Policy: It is the policy of the Behavioral Health Division (BHD) is that all Home and Community Based waiver providers implement the provision of services in settings that are community based and facilitate opportunities for participants to access community opportunities and resources to the same degree as people who do not have a disability. Procedure: To be developed within the scope of the template located below Will be located here: https://health.wyo.gov/behavioralhealth/dd/policy-site/	Update policy and procedure, develop manual	April 1, 2017
		Policy and Procedure Manual, in development	Community Choices Waiver Policy	Silent	Policy language will be developed within scope of template language provided at the end of the table. The current policy may be found at https://health.wyo.gov/healthcarefin/medicaid/homecareservices	Update policy manual	April 1, 2017

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3	The setting includes opportunities to engage in community life to the same degree of access as individuals not receiving Medicaid HCBS.	Current rule	Chapter 45, Section 28	Complies	Can be accessed at: http://soswy.state.wy.us/Rules/RULES/6436.pdf	None needed	-
		Current rule	Assisted Living Facility Licensing Rule, Chapter 12, Section 7, c, xii; xv; xx	Complies	(xii) Make visits outside the facility. The facility manager and the resident shall share responsibility for communicating with respect to scheduling such visits; (xv) Exercise choice in attending and participating in religious activities; (xx) Participate in social activities, in accordance with the assistance plan; Available online at http://soswy.state.wy.us/Rules/RULES/6796.pdf	None needed	-
		Future rule	Chapter 45, Section 13, c, iv	Silent	(iv) Opportunities for the participant to engage in community life, control personal resources, and receive services in the community to the same degree of access as individuals not receiving Medicaid home and community-based services; Will be found at: http://soswy.state.wy.us/rules/ .	Finish rule promulgation process	January 1, 2017
		Policy and Procedure Manual, in development	BHD-PVS-0338-Integrated Setting Policy	Silent	Purpose: The purpose of this policy and procedure is to clearly define the components of a community integrated setting and provide a procedure for Division staff to follow when assessing settings for these components. Policy: It is the policy of the Behavioral Health Division (BHD) is that all Home and Community Based waiver providers implement the provision of services in settings that are community based and facilitate opportunities for participants to access community opportunities and resources to the same degree as people who do not have a disability. Procedure: To be developed within the scope of the template located below; Will be located here: https://health.wyo.gov/behavioralhealth/dd/policy-site/	Update policy and procedure, develop manual	April 1, 2017
4	The setting includes opportunities to control personal resources to the same degree of access as individuals not receiving Medicaid HCBS.	Current rule	Chapter 45, Section 28	Complies	Can be accessed at: http://soswy.state.wy.us/Rules/RULES/6436.pdf	None needed	-
		Current rule	Assisted Living Facility Licensing Rule, Chapter 12, Section 7, c, xiii	Complies	(xiii) Make decisions and choices in the management of personal affairs, assistance plans, funds, or property; Available online at http://soswy.state.wy.us/Rules/RULES/6796.pdf	None needed	-
		Future rule	Chapter 45, Section 13, c, iv	Silent	(iv) Opportunities for the participant to engage in community life, control personal resources, and receive services in the community to the same degree of access as individuals not receiving Medicaid home and community-based services; Will be found at: http://soswy.state.wy.us/rules/ .	Finish rule promulgation process	January 1, 2017
		Policy and Procedure Manual, in development	BHD-PSS-0437-Participant Access to Personal Resources Policy	Silent	Purpose: The purpose of this policy and procedure is to provide clear guidance on how to identify a person's choice in managing and spending his or her money, and ensure that any restriction to this right has an assessed need and a restoration plan. Policy: It is the policy of the Behavioral Health Division (BHD) that each participant receiving funding through the Home and Community Based Waiver (HCBS) has choice and makes decisions about how s/he budgets, manages, and spends money. Procedure: To be developed within the scope of the template located below; Will be located here: https://health.wyo.gov/behavioralhealth/dd/policy-site/	Update policy and procedure, develop manual	April 1, 2017

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5	The setting is selected by the individual from among setting options including non-disability specific settings and an option for a private unit in a residential setting. The setting options are identified and documented in the person-centered service plan and are based on the individual's needs, preferences, and, for residential settings, resources available for room and board.	Future rule, update in progress	Chapter 45, Section 13, b, ii	Silent	(b) All certified waiver providers shall provide services that are home and community-based in nature, which means the service setting; (ii) Is selected by the individual from options including non-disability specific settings; Will be found at: http://soswy.state.wy.us/rules/ .	Finish rule promulgation process	January 1, 2017
		Policy and Procedure Manual, in development	BHD-PVS-0339-Policy on Participant Choice	Silent	Purpose: The purpose of this policy and procedure is to define how participant choice is identified and demonstrated. Policy: It is the policy of the Behavioral Health Division (BHD) that each participant receiving funding through the Home and Community Based Waiver (HCBS) has choice and control in his or her life. Guardians, case managers, and providers, will facilitate opportunities for the participant to learn about his or her options, and take into account where s/he wants to live; with whom s/he wants to spend time; what, when, and where s/he'd like to live; and from whom s/he'd like to receive assistance and support. Procedure: To be developed within the scope of the template located below; Will be located here: https://health.wyo.gov/behavioralhealth/dd/policy-site/	Update policy and procedure, develop manual	April 1, 2017
		Policy and Procedure Manual, in development	Community Choices Waiver Policy	Silent	Policy language will be developed within scope of template language provided at the end of the table. The current policy may be found at https://health.wyo.gov/healthcarefin/medicaid/homecareservices	Update policy manual	April 1, 2017
6	An individual's essential personal rights of privacy, dignity, respect, and freedom from coercion and restraint are protected.	Current rule	Chapter 45, Section 28	Complies	All of section 28; Can be accessed at: http://soswy.state.wy.us/Rules/RULES/6436.pdf	None needed	-

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		Current rule	Assisted Living Facility Licensing Rule, Chapter 12, Section 7, c, i-vi	Complies	(i) Be treated with respect and dignity; (ii) privacy; (iii) Free from physical or chemical restraints not required to treat the resident's medical symptoms. No chemical or physical restraints will be used except by order of a physician; (iv) Not to be isolated or kept apart from other residents; (v) Not to be physically, psychologically, sexually, or verbally abused, humiliated, intimidated, or punished; (vi) Live free from involuntary confinement or financial exploitation; Available online at http://soswy.state.wy.us/Rules/RULES/6796.pdf	None needed	-
		Future rule, update in progress	Chapter 45, Section	Silent	(iv) Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint; Will be found at: http://soswy.state.wy.us/rules/ .	Finish rule promulgation process	January 1, 2017
		Policy and Procedure Manual, in development	BHD-PSS-0438-Policy on Participant Right to Privacy, Dignity, and Freedom from Restraint	Silent	Purpose: The purpose of this policy and procedure is to define how a participant's essential personal rights, to include the right to privacy, dignity, respect, and freedom from coercion and restraints, should be demonstrated by providers. Policy: It is the policy of the Behavioral Health Division (BHD) that each participant receiving funding through the Home and Community Based Waiver (HCBS) be treated with dignity and respect by waiver providers, have their privacy respected to the extent possible for their health and safety, and be free from coercion and restraint. Procedure: To be developed within the scope of the template located below; Will be located here: https://health.wyo.gov/behavioralhealth/dd/policy-site/	Update policy and procedure, develop manual	April 1, 2017
7	Optimizes, but does not regiment individual initiative, autonomy, and independence in making life choices. This includes, but not limited to, daily activities, physical environment, and with whom to interact.	Current rule	Assisted Living Facility Licensing Rule, Chapter 12, section 7, c, iv; ix; xi; xiii; xx	Complies	(iv) Not to be isolated or kept apart from other residents; (ix) Communicate privately, including, but not limited to, communicating by mail or telephone with anyone; (xi) Have visitors, including the right to privacy during such visits; (xiii) Make decisions and choices in the management of personal affairs, assistance plans, funds, or property; (xx) Participate in social activities, in accordance with the assistance plan; Available online at http://soswy.state.wy.us/Rules/RULES/6796.pdf	None needed	-
		Future rule, update in progress	Chapter 45, Section 13, b, v	Silent	(b) All certified waiver providers shall provide services that are home and community-based in nature, which means the service setting; (v) Optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices including daily activities, recreational activities, physical environment, and with whom to interact; Will be found at: http://soswy.state.wy.us/rules/ .	Finish rule promulgation process	January 1, 2017
		Policy and Procedure Manual, in development	BHD-PVS-0339-Policy on Participant Choice	Silent	Purpose: The purpose of this policy and procedure is to define how participant choice is identified and demonstrated. Policy: It is the policy of the Behavioral Health Division (BHD) that each participant receiving funding through the Home and Community Based Waiver (HCBS) has choice and control in his or her life. Guardians, case managers, and providers, will facilitate opportunities for the participant to learn about his or her options, and take into account where s/he wants to live; with whom s/he wants to spend time; what, when, and where s/he'd like to live; and from whom s/he'd like to receive assistance and support. Procedure: To be developed within the scope of the template located below; Will be located here: https://health.wyo.gov/behavioralhealth/dd/policy-site/	Update policy and procedure, develop manual	April 1, 2017
8	Individual choice regarding services and supports, and who provides them, is facilitated.	Current rule	Assisted Living Facility Licensing Rule, Chapter 12, section 7, c, xiii, A	Complies	(xiii) Make decisions and choices in the management of personal affairs, assistance plans, funds, or property; (A) Including choice of home health agencies, pharmacies, personal care providers and any other private pay provider. Available online at http://soswy.state.wy.us/Rules/RULES/6796.pdf	None needed	-

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		Policy and Procedure Manual, in development	Community Choices Waiver Policy	Complies	Participants must be offered choice of providers in the community and the ability to change providers at their discretion (pg 13 - 15). The current policy may be found at https://health.wyo.gov/healthcarefin/medicaid/homecareservices	None needed	-
		Policy and Procedure Manual, in development	BHD-PVS-0339-Policy on Participant Choice	Complies	Purpose: The purpose of this policy and procedure is to define how participant choice is identified and demonstrated. Policy: It is the policy of the Behavioral Health Division (BHD) that each participant receiving funding through the Home and Community Based Waiver (HCBS) has choice and control in his or her life. Guardians, case managers, and providers, will facilitate opportunities for the participant to learn about his or her options, and take into account where s/he wants to live; with whom s/he wants to spend time; what, when, and where s/he'd like to live; and from whom s/he'd like to receive assistance and support. Procedure: To be developed within the scope of the template located below; Will be located here: https://health.wyo.gov/behavioralhealth/dd/policy-site/	None needed	-

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9	Provider owned or controlled residential settings: The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services, and the individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under the landlord/tenant law of the State, county, city, or other designated entity. For settings in which landlord tenant laws do not apply, the State must ensure that a lease, residency agreement or other form of written agreement will be in place for each HCBS participant, and that that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law.	Future rule, update in progress	Chapter 45, section 13, f, xvi, A	Silent	(xvi) Providers shall ensure that all participants residing in a provider owned or leased facility have: (A) A lease or residency agreement for the bedroom and location in which they are agreeing to reside. The lease or agreement must be signed by the participant or legally authorized representative (if applicable), and the provider. The lease or agreement must allow the same responsibilities and protections from eviction as all tenants under landlord tenant law of the state, county, city where the facility is located. At no time may a participant be asked to leave their residence on a regular basis to accommodate the provider; Will be found at: http://soswy.state.wy.us/rules/ .	Finish rule promulgation process	January 1, 2017
		Policy and Procedure Manual, in development	Community Choices Waiver Policy	Silent	Policy language will be developed within scope of template language provided at the end of the table. The current policy may be found at https://health.wyo.gov/healthcarefin/medicaid/homecareservices	Update policy manual	April 1, 2017
10	Provider owned or controlled residential settings: Each individual has privacy in their sleeping or living unit: Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.	Future rule, update in progress	Chapter 45, section 13, f, xvi, H	Silent	(xvi) Providers shall ensure that all participants residing in a provider owned or leased facility have: (H) A key or other type of access to a lock for both the housing unit, the participant's bedroom, and any form of locked storage where the participant's personal belongings are kept; Will be found at: http://soswy.state.wy.us/rules/ .	Finish rule promulgation process	January 1, 2017

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		Policy and Procedure Manual, in development	BHD-PSS-0438-Policy on Participant Right to Privacy, Dignity, and Freedom from Restraint	Silent	Purpose: The purpose of this policy and procedure is to define how a participant's essential personal rights, to include the right to privacy, dignity, respect, and freedom from coercion and restraints, should be demonstrated by providers. Policy: It is the policy of the Behavioral Health Division (BHD) that each participant receiving funding through the Home and Community Based Waiver (HCBS) be treated with dignity and respect by waiver providers, have their privacy respected to the extent possible for their health and safety, and be free from coercion and restraint. Procedure: To be developed within the scope of the template located below; Will be located here: https://health.wyo.gov/behavioralhealth/dd/policy-site/	Update policy and procedure, develop manual	April 1, 2017
		Policy and Procedure Manual, in development	Community Choices Waiver Policy	Silent	Policy language will be developed within scope of template language provided at the end of the table. The current policy may be found at https://health.wyo.gov/healthcarefin/medicaid/homecareservices	Update policy manual	April 1, 2017
11	Provider owned or controlled residential settings: Individuals sharing units have a choice of roommates in that setting.	Future rule, update in progress	Chapter 45, section 13, f, xvi, I	Silent	(xvi) Providers shall ensure that all participants residing in a provider owned or leased facility have: (I) Individuals sharing units have a choice of roommates; Will be found at: http://soswy.state.wy.us/rules/ .	Finish rule promulgation process	January 1, 2017
		Policy and Procedure Manual, in development	BHD-PVS-0339-Policy on Participant Choice	Silent	Purpose: The purpose of this policy and procedure is to define how participant choice is identified and demonstrated. Policy: It is the policy of the Behavioral Health Division (BHD) that each participant receiving funding through the Home and Community Based Waiver (HCBS) has choice and control in his or her life. Guardians, case managers, and providers, will facilitate opportunities for the participant to learn about his or her options, and take into account where s/he wants to live; with whom s/he wants to spend time; what, when, and where s/he'd like to live; and from whom s/he'd like to receive assistance and support. Procedure: To be developed within the scope of the template located below; Will be located here: https://health.wyo.gov/behavioralhealth/dd/policy-site/	Update policy and procedure, develop manual	April 1, 2017
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12	Provider owned or controlled residential settings: Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.	Current rule	Assisted Living Facility Licensing Rule, Chapter 12, section 7, n, ii, H	Complies	(H) Residents shall be encouraged to bring personal items and furniture for their rooms (e.g. beds, chairs, pictures, etc.), Available online at http://soswy.state.wy.us/Rules/RULES/6796.pdf	None needed	
		Future rule, update in progress	Chapter 45, section 13, f, xvi, C	Silent	(xvi) Providers shall ensure that all participants residing in a provider owned or leased facility have: (C) Freedom to furnish and decorate the participant's sleeping and living units within the lease or other agreement; Will be found at: http://soswy.state.wy.us/rules/ .	Finish rule promulgation process	January 1, 2017
13	Provider owned or controlled residential settings: Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time.	Future rule, update in progress	Chapter 45, section 13, f, iii	Silent	(f) Other service standards. All service settings owned or controlled by a provider or self-directed employee must meet the following requirements: (iii) In residential service and day service facilities, the provider shall ensure participants have access to their food at all times, and provide nutritious meals and snacks options. Providers may not require a regimented meal schedule except where individually prescribed, in writing, by a physician. Will be found at: http://soswy.state.wy.us/rules/ .	Finish rule promulgation process	January 1, 2017
		Current rule	Assisted Living Facility Licensing Rule, Chapter 12, section 7, c, vii; xii; xv	Complies	(vii) Full use of the facilities common areas; (xii) Make visits outside of the facility. The facility manager and the resident shall share responsibility for communicating with respect to scheduling visits; (xv) Exercise choice in attending and participating in religious activities Available online at http://soswy.state.wy.us/Rules/RULES/6796.pdf	None needed	

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		Policy and Procedure Manual, in development	Community Choices Waiver Policy	Silent	Policy language will be developed within scope of template language provided at the end of the table. The current policy may be found at https://health.wyo.gov/healthcarefin/medicaid/homecareservices	Update policy manual	April 1, 2017
14	Provider owned or controlled residential settings: Individuals are able to have visitors of their choosing at any time.	Current rule	Assisted Living Facility Licensing Rule, Chapter 12, section 7, c, xi	Complies	(x) Have visitors, including the right to privacy during such visits; Available online at http://soswy.state.wy.us/Rules/RULES/6796.pdf	None needed	
		Future rule, update in progress	Chapter 45, section 13, f, i	Silent	(f) Other service standards. All service settings owned or controlled by a provider or self-directed employee must meet the following requirements: (i) A participant must be able to have visitors at any time; Will be found at: http://soswy.state.wy.us/rules/ .	Finish rule promulgation process	January 1, 2017
15	Provider owned or controlled residential settings: The setting is physically accessible to the individual.	Current rule	Chapter 45, section 24, e, x	Complies	(x) The overall condition of the home or facility shall be maintained in a clean, uncluttered, sanitary, and healthful manner that does not impede mobility or jeopardize a participant's health or safety. Can be accessed at: http://soswy.state.wy.us/Rules/RULES/6436.pdf	None needed	-
		Future rule, update in progress	Chapter 45, section 13, f, ii	Silent	(ii) The setting must be physically accessible to the participant; Will be found at: http://soswy.state.wy.us/rules/ .	Finish rule promulgation process	January 1, 2017
		Future rule, update in progress	Assisted Living Facility Licensing Rule, Chapter 12	Silent	The setting must be physically accessible to the participant; Will be available online at http://soswy.state.wy.us/Rules/RULES/6796.pdf	Finish rule promulgation process	April 1, 2017
16	Locations that have qualities of institutional settings, as determined by the Secretary. Any setting that is located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment, or in a building on the grounds of, or immediately adjacent to, a public institution.	Future rule, update in progress	Chapter 45, section 13, c, ii	Silent	(c) Settings that are not considered home and community-based include, but are not limited to: (ii) Any other facility with characteristics that appear to be institutional in nature, on the grounds of or adjacent to a public institution, or have the effect of isolating the participants from the community. Will be found at: http://soswy.state.wy.us/rules/ .	Finish rule promulgation process	January 1, 2017
		Policy and Procedure Manual, in development	BHD-PVS-0338-Integrated Setting Policy	Silent	Purpose: The purpose of this policy and procedure is to clearly define the components of a community integrated setting and provide a procedure for Division staff to follow when assessing settings for these components. Policy: It is the policy of the Behavioral Health Division (BHD) is that all Home and Community Based waiver providers implement the provision of services in settings that are community based and facilitate opportunities for participants to access community opportunities and resources to the same degree as people who do not have a disability. Procedure: To be developed within the scope of the template located below; Will be located here: https://health.wyo.gov/behavioralhealth/dd/policy-site/	Update policy and procedure, develop manual	April 1, 2017

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		Policy and Procedure Manual, in development	Community Choices Waiver Policy	Silent	A setting covered by the Community Choices Waiver may not include any setting that is located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment, or in a building on the grounds of, or immediately adjacent to, a public institution. The current policy may be found at https://health.wyo.gov/healthcarefin/medicaid/homecareservices	Update policy manual	April 1, 2017
17	Home and community-based settings do not include the following: a nursing facility; institution for mental diseases; an intermediate care facility for individuals with intellectual disabilities; a hospital.	Future rule, update in progress	Chapter 46, section 14, a, i	Silent	(a) The following services are not eligible for waiver services reimbursement: (i) The care of individuals residing in a hospital, nursing facility, ICF/ID, or other institutional placement; Will be found at: http://sosvy.state.wy.us/rules/ .	Finish rule promulgation process	January 1, 2017
		Policy and Procedure Manual, in development	BHD-PVS-0338-Integrated Setting Policy	Silent	Purpose: The purpose of this policy and procedure is to clearly define the components of a community integrated setting and provide a procedure for Division staff to follow when assessing settings for these components. Policy: It is the policy of the Behavioral Health Division (BHD) is that all Home and Community Based waiver providers implement the provision of services in settings that are community based and facilitate opportunities for participants to access community opportunities and resources to the same degree as people who do not have a disability. Procedure: To be developed within the scope of the template located below; Will be located here: https://health.wyo.gov/behavioralhealth/dd/policy-site/	Update policy and procedure, develop manual	April 1, 2017
		Policy and Procedure Manual, in development	Community Choices Waiver Policy	Complies	Participants must be discharged from the Community Choices waiver upon admission to a nursing facility or any other institution (pg. 48). The current policy may be found at https://health.wyo.gov/healthcarefin/medicaid/homecareservices	None needed	-
	<i>Template Language</i>						
	The Department will use the below language for policy and procedures currently silent or in conflict with the HCBS settings regulation						
	(a) Prior to an individual accessing any services under the [HCBS] program, the department shall						
	assess each home and community-based setting utilized in the service plan to determine						
	whether such setting complies with 42 CFR 441.301(c)(4)-(5), as amended from time to time.						
	Such assessment shall be conducted through the person-centered assessment process. In						

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	particular, the setting shall:						
	(1) Be integrated in and support full access to the greater community, including opportunities						
	to:						
	(A) Seek employment and work in competitive integrated settings;						
	(B) Engage in community life;						
	(C) Control personal resources; and						
	(D) Receive services in the community, to the same degree of access as individuals						
	not receiving Medicaid HCBS.						
	(2) Be selected by the individual:						
	(A) From among setting options including non-disability specific settings and an option						
	for a private unit in a residential setting; and						
	(B) Identified and documented in the person-centered service plan and based on the						
	individual's needs, preferences, and, for residential settings, resources for room						
	and board.						
	(3) Ensure individual rights of privacy, dignity, and respect, and freedom from coercion and						
	restraint.						
	(4) Optimize autonomy and independence in making life choices, including daily activities						
	physical environment, and with whom to interact.						
	(5) Facilitate choice regarding services and supports and who provides them.						
	(b) In addition to meeting the requirements of subsection (a) of this section, and subject to the						

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#	Federal Regulation	Current, future, waiver app, etc	Current State Standard of Relevance	Compliance Status (Complies, Silent, Conflicting with Regulation)	State's Current Language or Proposed Language (If compliance status is silent)	Remediation	Timeline
	modifications permitted in subsection (c) of this section, all provider-owned or controlled						
	residential settings shall meet the following requirements:						
	(1) The individual has a lease or other legally enforceable agreement providing similar						
	protections.						
	(2) The individual has privacy in their unit, including lockable doors, choice of roommates, and						
	has freedom to furnish or decorate the unit.						
	(3) The individual controls their own schedule, including access to food at any time.						
	(4) The individual can have visitors at any time.						
	(5) The setting is physically accessible.						
	(c) Any modification to the requirements of subsection (b) of this section shall be consistent with						
	42 CFR 441.301(c)(4)(vi)(F), and be supported by a specific assessed need and justified in the						
	person-centered service plan.						
	(d) If, upon initial assessment, or any time thereafter, the department determines that a setting						
	does not comply with 42 CFR 441.301(c)(4)-(5), the department shall inform the individual of						
	3						
	alternative settings that would comply with these requirements. If the individual elects to						
	remain in, or receive services at, a setting that does not meet these requirements, and th						
	provider has not demonstrated compliance with the Department's corrective action plan for						
	meeting such requirements, the individual shall not receive services under the ABI waiver						
	program.						

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	(e) The department shall assess compliance with 42 CFR 441.301(c)(4)-(5) as part of its process						
	for credentialing and re-credentialing providers.						
	(f) Services shall not be performed at any setting listed in 42 CFR 441.301(c)(5), including a NF,						
	institution for mental diseases, ICF/IID, hospital, or any other location that has qualities of an						
	institutional setting.						